

STATE OF MICHIGAN
STATE BOUNDARY COMMISSION

PUBLIC HEARING

Thursday, April 26, 2007 at 4:00 p.m.

Loomis Lodge

142 Croton Drive, Newaygo, Michigan 49337

Docket Number 06-AR-1

The State Boundary Commission will conduct a public hearing on
THE PROPOSED ANNEXATION OF CERTAIN TERRITORY LOCATED
IN GARFIELD TOWNSHIP TO THE CITY OF NEWAYGO

KENNETH VERBURG

State Boundary Commission Chairperson

CAMERON PRIEBE

State Commissioner

NORMAN OCHS

Local Commissioner

VINCENT KEMPERMAN

Local Commissioner

CHRISTINE HOLMES

Boundary Commission Manager

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STATE BOUNDARY COMMISSION

TABLE OF CONTENTS

	PAGE
Opening Comments from State Boundary Commissioner VerBurg	3
<u>COMMENTS FROM CITY OF NEWAYGO</u>	
Robert Buchanan	8
Ron Armstrong	14
Rich Blachford	43
<u>COMMENTS FROM GARFIELD TOWNSHIP</u>	
George Suchy	24
<u>COMMENTS FROM PUBLIC</u>	
Douglas Day	25
Pat Hedlund	26
Bruce Reiffer	28
Charles Benham	31
Scott Faulkner	35
Andy Lofgren	36
Libby Cherin	40
Kenneth Beerman	42
Dorothy Webber	56

1 Newaygo, Michigan

2 Thursday, April 26, 2007

3 At 4:00 p.m.

4 CHAIRPERSON VERBURG: Good afternoon, ladies and
5 gentlemen. Now is the time set for a public hearing on the
6 City of Newaygo on Docket 06-AR-1, a petition proposing the
7 Annexation of Certain Territory in Garfield Township to the
8 City of Newaygo.

9 I would like to call the roll. State Com. Cameron
10 Priebe.

11 STATE COM. PRIEBE: Here.

12 CHAIRPERSON VERBURG: Local Com. Norman Ochs.

13 LOCAL COM. OCHS: Here.

14 CHAIRPERSON VERBURG: Local Com. Vincent Kemperman.

15 LOCAL COM. KEMPERMAN: Here.

16 CHAIRPERSON VERBURG: And my name is Ken VerBurg. I'd
17 like you to know that Ruth Ann Jamnick, who is a member--State
18 member was not able to make it today, but she will get a copy
19 of the transcript of this meeting. And if she testifies at
20 the next--at the adjudicated meeting, that she's read the
21 transcript and she's qualified to vote on this--on this
22 matter.

23 Also with us today is Christine Holmes, who is the
24 manager of the State Boundary Commission. And to let you know
25 that today's public hearing is being held in compliance with

1 the State Boundary Commission Act and its Rules.

2 The petition for the proposed annexation was filed with
3 the State Boundary Commission by the City of Newaygo on
4 September 22, 2006.

5 At a regular Commission meeting held in Lansing on
6 January 18, '07--

7 UNIDENTIFIED SPEAKER: Can you speak louder? They can't
8 hear you apparently.

9 CHAIRPERSON VERBURG: Oh, are you having difficulty
10 hear--hearing me--are you having difficulty hearing me?

11 [No Verbal Response]

12 CHAIRPERSON VERBURG: Okay. I'll do it again. The
13 Boundary Commission approved the legal sufficiency of this
14 petition. All property owners within 300 feet of the property
15 petitioned for annexation received individual notice of this
16 public hearing so that they would have opportunity to comment
17 and give us your opinions about the proposed annexation.

18 I would like to call now on Ms. Holmes for any comments
19 that she might have.

20 MGR. HOLMES: Thank you, Mr. Chairman. First of all, the
21 green sheets that were at the sign-up table, that's if you
22 wish to speak. If you signed up and change your mind, when
23 the Chairman calls on you, you can just respectfully decline.
24 You'll also have the opportunity, as the Chairman will
25 explain, to submit your comments up to 30 days following

1 today's hearing. And then also, at that sign-in table and
2 your township and city offices, this bright gold sheet gives
3 all the information you need to submit comments to the
4 Commission to be considered on the record. The mailing
5 address, the docket number, our fax, our e-mail, anything that
6 the deadline, which is May 29th.

7 Thank you, Mr. Chairman.

8 CHAIRPERSON VERBURG: I'd now like briefly to explain the
9 procedure by which we will conduct this public hearing.
10 Anyone present who wishes to make remarks to the Commission
11 will have the opportunity to do that. The first part of the
12 hearing is reserved for presentations by the directly involved
13 parties. And that would be the City of Newaygo and Garfield
14 Township. Each party is allotted--is allotted up to 20
15 minutes in which to make comments and/or a presentation to the
16 Commission. And after those presentations, the two parties
17 will have an opportunity--another 10 minutes probably to rebut
18 any comments that they would like to rebut. And they do not
19 have--they're not required to use those 20- and 30-minute--or
20 10-minute periods, but I'll--I'll do that if they do. And you
21 can quit earlier than that if they'd like.

22 And then the second part of the hearing will be a time
23 when the general public will be invited to step forward and
24 address the Commission. Each person who wishes to speak
25 during this time will be allotted probably about three minutes

1 each, depending on how many want to--want to speak. And we
2 ask that the members of the general public who wish to speak,
3 and have not yet signed their name on the sign-in sheet, we'd
4 like you to do that so when the time comes, we can call your
5 name. And I'd like you to print those, rather than sign it,
6 so I can get a chance to check your penmanship and see if I
7 can--and the test is, can I pronounce your name the way you
8 intended it.

9 Then the third part will be a time for--for the
10 Commission to have an opportunity to ask questions of anybody
11 that they might wish to address.

12 We'd like you to remember that you should address your
13 remarks to the Commission and also let you know that no
14 decision will be made on this case today. The purpose of the
15 public hearing is only for the Commission to receive input
16 from the interested parties. And I just wanna reiterate that
17 the opportunity for the public to submit written comments to
18 the Commission on this docket will remain open for 30 days
19 following the date of this public hearing. The postmark date,
20 as--as Ms. Holmes indicated, is Tuesday, May 29th. And the
21 orange sheets give you the information on where to send that.

22 And then within two months after the closing of the 30-
23 day public comment period, all material received at the public
24 hearing and during the 30-day material will be indexed and
25 mailed to the designated representatives of the involved

1 parties. So there's a couple of iterations in here, so we've
2 got today members may rebut some comments. And then there's
3 the 30-day material, and then there's a seven-day period when
4 people may comment on that 30-day material. So there's a
5 couple of opportunities to make sure that your perspective is
6 seen properly.

7 Also we'd like you to know that material submitted or
8 testimony received after the 30-day period will not be made
9 part of the record, except for the rebuttal period received
10 during that seven-day period.

11 Consideration, deliberation and final action by the
12 Boundary Commission will occur in approximately three to four
13 months at the regular meeting of the Commission in Lansing.
14 The involved parties will be contacted before we schedule the
15 docket to make sure that they will be mailed the information
16 and can attend if they so choose.

17 The first Commission meeting will be held--will involve
18 consideration of the reasonableness of the proposed annexation
19 based on the criteria in Section 9 of the Boundary Commission
20 Act. This adjudicative meeting will entail a deliberation on
21 the record of proceedings, and the Commission will determine a
22 recommendation on whether to approve or deny this annexation.

23 At a subsequent adjudicative meeting, the Commission will
24 adopt a formal summary of proceedings, findings of fact and
25 conclusions of law that will incorporate the Commission's

1 recommendation of either approval or denial. And then a final
2 order, which--which will be accompanied by the summary of
3 proceedings and will be transferred to the director of the
4 Department of Labor and Economic Growth for his signature.
5 His--that signature then will make this order effective on the
6 date of the director's signature. So we're looking at late
7 summer until we can bring closure on this--final closure on
8 this docket.

9 Now we'll proceed with the public hearing. I'd like to
10 emphasize that all speakers, that to all speakers, in order
11 for the commissioners, the staff and all present to hear your
12 comments, please stand close to the microphones and speak
13 loudly, clearly and directly into it. Also be sure to face
14 the Commission, which is where your remarks are to be
15 addressed. Also please be sure to clearly state your name,
16 your interest--the interest you represent.

17 We'll start off then with--with the representatives for
18 the City. And I'll call on the--on the Petitioner--the
19 representative from the City. And I believe that's--is that
20 Mr. Buchanan, are you going to start this off?

21 MR. BUCHANAN: [no verbal response]

22 CHAIRPERSON VERBURG: So Robert Buchanan, you're up.

23 MR. BUCHANAN: Thank you, Mr. VerBurg. I'm Robert
24 Buchanan, assistant city attorney. And participating in this
25 discussion today, to my immediate left is Ron Armstrong,

1 mayor; Rich Blachford, the city manager. Over at the computer
2 is deputy city manager and city clerk, Jon Schneider. To my
3 right is Laurie Kelly, assistant city attorney. And then
4 Cliff Bloom is the city attorney.

5 I'll be referring to the Riverbank project. And the
6 members of the public know about that, but for your benefit,
7 we're going to try to paint that with a broader brush in a
8 minute with Mayor Armstrong's remarks. But suffice it to say,
9 that it is the intended project for this annexed property and
10 it includes a lodge, condominium and public river edge walkway
11 in a planned unit development setting.

12 I'd like to start by going through the 18 criteria for
13 you. And one of the things that we look at when we look at
14 the population, the density, the land area, the annexed area
15 is not densely populated. It will constitute, when it's added
16 to the city, about three percent of the area of the city. Its
17 land use is currently zoned residential by the township. The
18 future use will be compatible planned unit development used as
19 condominiums, a lodge and a barrier-free public trail. There
20 will be a future for other mixed uses, such as commercial and
21 retail that are not possible under the township's present
22 zoning.

23 Here is a look at the assessed evaluation of the annexed
24 area to the city's total SEV. The point that I think needs to
25 be made is there have been instances in the past where the

1 city has had to route utilities around islands at great
2 expense. And the comparative increase of taxes to the
3 residents of this area will be modest compared to the savings
4 of routing utilities directly into the project. One of the
5 things that I think is to be drawn from this is to look at
6 population density, population area and assessed evaluation.

7 The conclusion I draw is that the annexed area is
8 relatively underdeveloped and could benefit economically and
9 the whole region benefit economically by the project and the
10 availability of the city's utilities. The topography, you
11 noticed as you came into town, the Muskegon River runs through
12 the city. It's a very prominent feature of the city and is
13 really one of the great natural resources of the state, but
14 it's also what makes this city in this area very unique. The
15 city is also on the north side of the river. This piece is on
16 the south side of the river. So it will be on both sides of
17 the river.

18 The annexed area currently is an island. It's not
19 accessible from the township. I'll show you in a future slide
20 what I mean. The annexed area is ideally suited to the
21 Riverbank project given that there's a high bank. The walkway
22 will be down at the water's edge, but the project will be up
23 on the high bank overlooking the vista of the river. The
24 walking trail will enhance the public's enjoyment of the river
25 in an environmentally friendly way. It's a buffer between the

1 project and the river. The availability of city sewer will be
2 an environmental enhancement so we're not dependent on septic
3 systems. This is the Muskegon River. You saw it as you came
4 into town. It's maybe not as bright as it could be. This is
5 the area we're talking about, right in there. And there is
6 just a little piece in the water by which it is connected to
7 the township. So that's what I mean when I say by not
8 accessible.

9 The boundary history is that this had been originally
10 part of the Village of Newaygo. When the city was
11 incorporated and land transferred to the city in 1969, for
12 some reason it was not included. And the reason for that,
13 frankly, is unclear. The east boundary line splits a
14 residential lot. The Riverbank project is not available
15 without annexation. The city has the zoning tools. It has
16 the planned unit development in its zoning ordinance, which
17 will be utilized here. It's able to extend city streets.
18 This is at a stub of Main Street. And it will be extended
19 through. The city has available water and sewer. Gas and
20 electric will come through the city. And there have been
21 alternatives to this annexation through a 425 agreement that
22 was in cooperation with the township.

23 This is a picture of the existing walking trail, just to
24 kind of give you an idea of--of the tranquil nature of it. It
25 will be connected to parks and overlook pods next to the

1 river. Garfield Township is not presently able to furnish or
2 maintain roads, utilities or public services. And city
3 policies prohibit the extension of city utilities outside the
4 city. The township could not, for example, extend the walking
5 trail on its own. So--and the annexed area is landlocked by
6 th city.

7 Now the township has sent a letter, received on
8 April 18th. It will be in the record. And I'd like to read
9 it in the record with Mr. Suchy's permission:

10 Dear Rich, the Garfield Township Board does not
11 contest the annexation of certain properties on the end
12 of Main Street and will fully cooperate with the City of
13 Newaygo on this matter, as we have been working together
14 for the betterment of the city and surrounding areas.
15 These properties are at the end of a dead-end road and
16 landlocked by the city. And it makes sense that they
17 should go to the city, as they will be better served.
18 The city and the township agree that at certain times it
19 is better to proceed with annexation--annexation, to
20 expedite a project for the betterment of our community.
21 So we, as a board, wish the city luck in this endeavor
22 and stand behind them 100 percent.

23 The probable effects on the cost of services--while the
24 Riverbank project will not be a burden on the schools because
25 of the nature of its use and will be financed without the need

1 for tax abatements. The project, as with any economic
2 development activity, will enhance revenue for the benefit of
3 the city, the school district, the township and the county.
4 The developer will pay for the extension of the utilities.
5 Now, the city has the superior ability to provide and maintain
6 these services, as we've talked about before. And the waste
7 water treatment, for example, is very close by to the project.

8 This will be a new source of tax revenue. The public
9 will be able to enjoy the trail, parks and lookouts along the
10 Muskegon River. And this will be for everybody. This
11 presents economic opportunity for this area. In Michigan
12 right now it's kind of a rare commodity. And it will provide
13 jobs. The Riverbank project is wholly compatible with the
14 beauty and tranquility of the area. The residential and
15 resort features are compatible with--with the zoning, both
16 existing, and the planned unit development. It extends the
17 city's park and trails through the Newaygo County Recreational
18 Authority.

19 So in conclusion, I think that the annexation meets the
20 goals established by the Boundary Commission, actually
21 established by statute. It eliminates an island and
22 straightens boundaries. It provides for the furnishing of
23 utilities and services. It enhances public recreation and
24 environmental stewardship. And lastly, it's just a unique
25 opportunity to achieve smart growth at a time when this state

1 dearly, dearly needs it.

2 With that, I'd like to turn it over to Ron Armstrong.

3 CHAIRPERSON VERBURG: Mr. Armstrong.

4 MR. ARMSTRONG: Yes, sir. One of the things that I'd
5 like to go over with you is a little bit of history in regards
6 to the [unclear] proper planning and development. The
7 governor in--in land use in Michigan entered an executive
8 order in 2003. Governor Granholm ordered creation of the Land
9 Use Leadership Council. The council's charge was to study
10 Michigan's land use patterns and make recommendations for
11 improvements. Among other things, great needs to stop outward
12 migration of population, which is causing much damage to the
13 environment and putting tremendous strain on the efficient
14 provisions of public service.

15 You'll notice here, which of course you can't read very
16 well, but I'll give you some of the names. In this land use
17 leadership council there were 26 members including former
18 Attorney General Frank Kelley, former Governor William
19 Milliken. There were members of the--of the Michigan
20 Environmental Nature Conservancy, the executive director of
21 Michigan Land Use Institute, director of the Farm Bureau,
22 directors of History, Arts, Environmental Quality, Natural
23 Resources, Labor and Economic Development, Department of
24 Transportation, as well as Agriculture.

25 I think it's important to point this out because this is

1 exactly what they were hoping to have happen in the future
2 with land use. What the experts were saying is this,
3 Number 1, create a range of housing opportunities and choices.
4 Create walkable neighborhoods, encourage communities and
5 stakeholder collaboration, foster distinctive attractive
6 communities with a strong sense of place. Make development
7 decisions predictable, fair and cost use effective. Mix land
8 uses. Preserve open space, farm land, natural beauty in
9 critical environmental areas. Provide a variety of
10 transportation choices. Strengthen and direct development
11 towards existing communities. And take advantage of compact
12 development design.

13 The [unclear] action when we talk about this land use in
14 our area involves several leaders and groups, including West
15 Michigan Strategic Alliance, The Grand Valley Metro Council,
16 Michigan Economic Development Corporation, MSHDA, Michigan
17 State Housing Development Authority, the Fremont Community
18 Foundation, as well as the Muskegon River Watershed Assembly.

19 I received a letter from the Muskegon River Watershed
20 Assembly. And I'd just like to read part of it. And I'll
21 give a copy of this to you for your records so it will be in
22 its entirety:

23 The Muskegon River Watershed Assembly generally
24 supports the proposed annexation due in part to that the
25 city's sewer and water services will be offered to the

1 annexed area adjacent to the Muskegon River, thereby
2 eliminating septic systems and individual wells that
3 would and could negatively impact the river's water
4 quality and ground water influence. Future development
5 in the annexed area should benefit the city services as
6 opposed.

7 In addition, the MRWA is available to help review
8 future development plans to enhance proposed projects,
9 environmental compatibility with the river and the local
10 areas. We think that a collaboration has been an
11 important part and aspect of this property. And we have
12 been working together with the townships on this and
13 other projects in regards to annexation and--and 425
14 agreements for the future betterment of our community.

15 The reason I show you this picture here is you will
16 notice that this particular piece right here, this is a copy
17 of the page of our city's new master plan, which was actually
18 adopted two years ago. And you'll notice that this property
19 in question right now has been in the city's master plan. And
20 it is in the plan in accordance with the intended use by the
21 new developers. We wanted to show you that because this was
22 discussed and talked about and reviewed by the township at the
23 time that this was put into the master plan. It made sense
24 because of its being in--in--in proximity to the river and to
25 the expansion of the future development of the city. So I

1 wanted to share that with you.

2 Secondly, you'll notice this piece that is just to the
3 south and west. This is a piece that in April of 2006, which
4 is also part of the same project, same property owner and--and
5 is part of the development that was worked out with the
6 township. Why annex this to the city? There are four general
7 reasons.

8 First of all, it is a virtual island and isolated, as
9 you've heard before. The township cannot provide the--the
10 services and utilities. The city's services will provide
11 better environmental protection and economic development and
12 growth. Last but not least, certainly, the land is an island,
13 first of all. And you can notice it here again. You can
14 notice that the city is not only located off to the east side
15 and to the south side, but this north side here you'll notice,
16 it is from this edge. This is also all the City of Newaygo,
17 just to let you see that. The river is a major barrier for
18 the township to be able to supply any services to anyone who
19 is going to do any development on the project.

20 This is just another close-up view of that particular
21 piece of property and where the lines are at. You'll notice
22 the city services. The city is able to offer all the sewer
23 services you see on the left the township basically is able to
24 offer. They do have a master plan. They do have a police
25 department that is taken care of through the sheriff's

1 department and we do share fire protection. But other than
2 that, the rest of the services can only be provided by the
3 city.

4 We talked a little bit about wasted infrastructure costs.
5 It's a little bit hard to see, but the blue lines that you can
6 see through here, these are the current water lines that come
7 up directly to the property line. This in here is the--the
8 projected area. You'll notice that the water lines come right
9 to the edge, as well as through the water lines on this end
10 down here and--and the sewer. Optimally, when any project is
11 done like this, it is going to make sense to run the water
12 line through this area, as well as sewer, and loop the
13 services in the projected area. And that is a very important
14 part of our particular project here.

15 I wanted to just go through a couple of minutes with you
16 to share with you a little bit. I think it's important for
17 those on the State Boundary to hear a little bit about what
18 the history of Newaygo and where we've come from. It's all
19 about choices. And the one thing that I always think is
20 important about--about the American people is our ability to
21 reinvent ourselves. Our ability to look at what is today and
22 be able to handle the change of what needs to be tomorrow.
23 And we're able to adapt to those changes.

24 I think it's important to note because 150 years ago this
25 city was founded because of the river, on the river, and was

1 used for logging purposes primarily. And that was where the
2 thriving city came from and went through for the first 30 or
3 so years of the city's existence. Only the logs ran out. The
4 city had a choice at that time. And the choice was to
5 reinvent itself in some way or die.

6 The city chose to reinvent itself and it went into
7 manufacturing. You have the Rowe Manufacturing, which was
8 located here in Newaygo. There were a row of houses where
9 people did manufacturing. And basically manufacturing, as was
10 the day during the 1900s. As you know, when we move forward
11 into 1960s or so, we begin seeing a change. Services, strip
12 malls, and we began to see downtowns begin to die.

13 We also saw a change in the 1960s and 1970s where almost
14 every small town, if you think about it, ended up having a
15 small industrial park because that was the future. If you had
16 an industrial park, you could bring industry to your town to
17 provide local jobs so they didn't have to transfer. And it
18 would maintain those cities. We did get one of those
19 industrial parks. And throughout the '80s and '90s we added
20 over 1,000 jobs to the area. We also extended some of our
21 industrial areas. And we experienced during the '90s
22 30-percent growth. Newaygo County was one of the fastest
23 growing counties in the state during those years. But at the
24 same time, our downtown was dying, as were many downtowns
25 throughout the state of Michigan.

1 And when I became mayor in--in the late 1990s and around
2 2000, I only did it for one purpose. And that was to come up
3 with new ideas to be able to, not only save our downtown, but
4 to make Newaygo take that turn and continue on in the future.

5 When Rich came in it was like two bulls in a china
6 cabinet between the two of us as far as trying to--to provide
7 some vision and direction for our city to move forward. And
8 we did that. To give you examples with collaboration and
9 efforts, we created and shared our visions. And we received
10 services and assistance that included the Rowe Development,
11 the federal government, obviously, Michigan Economic
12 Development, the--we had a community development grant. We
13 had a downtown enhancement grant through MDOT. We entered the
14 MSHDA program and began administering a MSHDA program within
15 our downtown--our downtown apartment buildings.

16 All of those people gave the resources from the state and
17 the local and the area and federal government for one purpose.
18 And that purpose was to not just redo the downtown, but to
19 attract other investment and other jobs in order for us to be
20 kind of brought back. Well, that has happened in the
21 downtown. We've had about \$3 million worth of private
22 investment that's been brought in. And now the question is,
23 does it stop there? Well, I don't think that's their
24 intentions for it to stop there. It was to reach out and try
25 to get new investment. This particular group of investors

1 does just that.

2 It's a little bit hard to see again. This is the south
3 end. You can see the drawings that are done for the
4 infrastructure plan for the area that is just to the south and
5 east. This area is, indeed, the property that you see in the
6 north that we're discussing there. If we move onto here, this
7 is the plans for that particular area and development. You
8 can see this is the--the core facility, which I'll show you in
9 a minute, the main lodge. These are four large condo
10 complexes along here, again on the upper banks of the river.
11 And single family, multifamily housing with a little resort
12 spa area located in here. And you can see the area that is
13 taken up with that.

14 Here are some exciting photos. This is a picture of the
15 lodge from the riverside. As you can see, it is what we've
16 been looking for in making Newaygo a destination location as
17 opposed to a drive-through community. We believe that this is
18 exactly what this type of a project will do. And you can see
19 what's been put into these particular rhetorics. This is the
20 front side of that--of that building. This is a picture of
21 the area that you would enter from the--the city side. I
22 guess you'd say the back side of the entrance to the lodge if
23 you want the river to be the front. And here, a picture of
24 the other lodge complex, the separate buildings, again, that
25 will be located on there.

1 Another important factor here is an overview of that
2 property that is coming all the way through there. And what I
3 wanted to do was show you because here you can see with the
4 property off to the north--north here, this is the property
5 that we're talking about. I wanted to show you that this is
6 the Newaygo River Trail that's being discussed. This is prime
7 and part of this. It is what is going to make or break this
8 part of the project. It is the reason we talked about it
9 being so vital to the project. We wanna combine and tie into
10 our local parks that already exist, which I'll show you an
11 overview in a moment. But that comes from over here. And we
12 wanna tie that walking trail, completely handicap accessible,
13 all down through here with lookouts over the river so that
14 literally from the lodge there would be about a mile-and-a-
15 half walk up the trail all the way into town so it would
16 actually be tied in there and be continued on from there to
17 the north--to the north of the river.

18 This is just an overview picture here. Again, it's a
19 little bit hard to see. But this is the property in question
20 right here. If you were to look at this from an aerial map,
21 you'll notice this is the river, this is the railroad. And
22 our existing trail system is right up through here. That
23 would continue on right down through here along those tracks
24 and along the bank of the river onto the project. You can
25 also notice this is the existing downtown. If you look at the

1 scenario, it would be amazing to believe that this piece
2 wouldn't be a part of the downtown, looking at it from up
3 above, and that's why we say this would be a perfect
4 combination and compliment to what is being done.

5 The additional pictures that I have are just a couple of
6 other aerials showing the downtown and a little bit of the--of
7 the bank of the river. But what I wanna share with you is, as
8 I close, is that I think that the important thing for you to
9 consider is that when you follow proper planning, when you
10 utilize collaboration with local governments and with state
11 governments, when you put in a master plan that incorporates
12 something out, when resources are used to redevelop a downtown
13 or an infrastructure that can handle the change and the
14 growth, when that growth comes and when those investments
15 come, we need to embrace those and be able to adopt those.

16 And what I would ask of you is to--is to approve the
17 request so that we cannot just move forward as a city, but
18 that we can actually reinvent ourselves once again to become a
19 destination community and be able to look at this again as a
20 destination, as opposed to a drive-through community. Thank
21 you very much.

22 CHAIRPERSON VERBURG: Thank you, Mr. Mayor.

23 Does that conclude the city's presentation?

24 MR. BUCHANAN: Yes.

25 MR. ARMSTRONG: Yes.

1 CHAIRPERSON VERBURG: That's good because your time is
2 over.

3 MR. BUCHANAN: Okay.

4 CHAIRPERSON VERBURG: We'll call next Supervisor Suchy
5 for any comments that you might want to make.

6 MR. SUCHY: It won't take me 20 minutes, but we've got--

7 CHAIRPERSON VERBURG: Well, we'll see.

8 MR. SUCHY: It's possible. When you--when you look at
9 the development, if you look at Garfield Township--if you look
10 at Garfield Township as a rural atmosphere, right here in this
11 area is tied--basically tied right up close to the City of
12 Newaygo. So when you think of development, you would think
13 you would want it on this side of the river. On the other
14 side of the river we're looking more to keep it rural. We
15 wouldn't want a development on that side of the river. We'd
16 like it over here. That's why in the past--what, probably
17 three years we've been working together to try to push this
18 over onto that side. And there's a parcel on the other side
19 that we're trying to work back into the township.

20 And in conclusion, it only makes sense to follow the
21 city's master plan. It--when I looked at that, I said,
22 somebody did some really good thinking on that. It keeps the
23 development on the south side of the river and pushes it away
24 from our side of the river. And we're standing behind you.

25 CHAIRPERSON VERBURG: Thank you.

1 Did you wanna rebut that in any way?

2 MR. BUCHANAN: I don't think so.

3 CHAIRPERSON VERBURG: Anything--we've got seven minutes,
4 if you want to use those for anything else.

5 MR. BUCHANAN: No, I think it was--

6 CHAIRPERSON VERBURG: All right. Now, is that other
7 sheet--sign-in sheet, is that back there? We'll call on
8 members of the public that wish to make comments to the
9 Commission. Probably the best thing would be to have you
10 stand up on the podium there, if you would, and point your
11 comments that way. And let's see--oh, Douglas--

12 MR. DAY: Day.

13 CHAIRPERSON VERBURG: Douglas Day, you're up.

14 MR. DAY: I live in the city. And until three years ago
15 I lived on the city portion of West Main Street for 38 years.
16 In that time on several occasions I have heard some of the
17 residents there--some of them have changed over the years--say
18 that they did not want to be in the city. However, during
19 that time they have managed to become hooked up to the city
20 water system. And about 25 years ago, when the city decided
21 it wasn't going to plow the streets outside the city, there
22 was a short uproar because that three--300 feet or so that's
23 outside of the city did not get plowed until the city made an
24 arrangement with the county to plow it because the county
25 wouldn't come plow it because it was only 300 feet. Thank

1 you.

2 CHAIRPERSON VERBURG: It snows up here, does it?

3 MR. DAY: Once in a while, yes.

4 CHAIRPERSON VERBURG: We'll call next on Pat Hedlund.

5 MR. HEDLUND: I'm Pat Hedlund. I'm the chief of police
6 for the City of Newaygo. A couple of comments. One of my
7 concerns for this proposed annexation, right now currently in
8 the city along the M-37 corridor, we have several island
9 pieces of township property completely surrounded by city
10 limits. And as you can probably imagine, that creates kind of
11 a nightmare scenario for us.

12 We have dispatchers, for example, in the county that have
13 been here for 20 years. And they don't know which pieces are
14 in the city and which pieces are not. So when a call goes--
15 goes out for police services, there's always some sort of
16 confusion as to whether or not that address is in the city or
17 not. A couple of examples of that. For example, we had one
18 business that's located in the township. It's an island
19 township property surrounded by the city, yet that business
20 has a city address. On the other hand, we have several
21 businesses that are located in the township, islands of
22 township property. And those--those properties have township
23 addresses. And they are unique and different. And so when
24 you hear a township address over the radio, you know that
25 that's a township address. However, in some cases it may be

1 in the city or it may not be. Very confusing. If this
2 property were not to be annexed, we would have one more island
3 of township property surrounded by city property for us to try
4 to police. Thank you.

5 CHAIRPERSON VERBURG: I might just respond to that by
6 saying that the Boundary Commission did not--was not aware of
7 that in the initial petition because basically our rules do
8 not allow us to create islands. And generally speaking, our
9 motivation is to correct those when we come across them. But
10 we were not aware of that, so we're not in a position now to--
11 to act on that. But if another petition from Newaygo comes
12 forward to the Boundary Commission, then we might take those
13 into account.

14 LOCAL COM. KEMPERMAN: Is he thinking about those 425
15 units?

16 CHAIRPERSON VERBURG: You're not talking about the 425
17 additions are you, Mr. Hedlund?

18 LOCAL COM. KEMPERMAN: Are you dealing with the 425
19 units, calling those islands?

20 MR. HEDLUND: No, I don't think so.

21 CHAIRPERSON VERBURG: No, they're individual parcels.

22 MR. HEDLUND: Yes.

23 CHAIRPERSON VERBURG: That have been existing for some
24 time.

25 MR. HEDLUND: Yes.

1 CHAIRPERSON VERBURG: Okay. We didn't include those, did
2 we?

3 UNIDENTIFIED SPEAKER: It's not included--

4 UNIDENTIFIED SPEAKER: It's not included in this.

5 CHAIRPERSON VERBURG: Yeah. Okay. When we--we have a
6 petition come to us, we take those into account and--and then
7 even if they're not petitioned for annexation, the Boundary
8 Commission has the authority to add those to the--or to expand
9 the area of annexation for purposes of the public hearing. So
10 we get your testimony on those items so that we all know what
11 we're dealing with. So that may--that may happen sometime
12 down the road.

13 I'll call next on--

14 MS. SUPINSKI: I think that's me. Supinski.

15 CHAIRPERSON VERBURG: How would you say that?

16 MS. SUPINSKI: Supinski.

17 CHAIRPERSON VERBURG: Supinski. Okay.

18 MS. SUPINSKI: I'm going to decline.

19 CHAIRPERSON VERBURG: You're going to decline. I don't--
20 you know, I might have gotten it, had you printed it.

21 MS. SUPINSKI: I'm sorry.

22 CHAIRPERSON VERBURG: Okay.

23 Then we're gonna next Bruce Reiffer. How is that; pretty
24 close?

25 MR. REIFFER: That's--either Reefer [phonetic] or

1 Reiffer.

2 CHAIRPERSON VERBURG: Okay.

3 MR. REIFFER: I'm the owner of the Newaygo Riverbank,
4 the--the developer here.

5 CHAIRPERSON VERBURG: I see.

6 MR. REIFFER: A single member LLC. Hopefully I can get a
7 little more than three minutes. Sometimes it's interesting to
8 get inside the head of the guy behind all this stuff, the
9 vision that I have for it. I have a number of businesses
10 south of here a ways. And I've made enough money on those
11 to--to hopefully see a dream. I'm not very good at public
12 things like this. I--I--

13 CHAIRPERSON VERBURG: [talking over]

14 MR. REIFFER: Hmm?

15 CHAIRPERSON VERBURG: You don't like public speaking?

16 MR. REIFFER: No, I'm not--I'm not big on public speaking
17 there. I've declined on other ones, but this one is the most
18 important to me, and I'll tell you why. I'm--I'm the son of a
19 country girl and a city boy. Just blue collar workers.
20 They--my grandparents worked hard with their hands. My
21 grandfather--in fact, he hunted deer until he was 87. If he
22 was still alive, he could still whip my butt.

23 CHAIRPERSON VERBURG: Did he ever get any?

24 MR. REIFFER: Oh, yeah, he did. Yes, he did. And as
25 time goes on, as we all know, if you--if you're healthy, it's

1 kind of a two-edged sword. If you live to be a ripe old age,
2 you inevitably find yourself in a nursing home. And the
3 nursing home that they were in, it was clean, but it was
4 this--it was these four walls right here.

5 CHAIRPERSON VERBURG: Oh, really?

6 MR. REIFFER: Four--you know, if the Alzheimer's didn't
7 get you, I'll tell you that them four walls would. The vision
8 for this here development, if you could go back to the pod,
9 one of the condo units right--

10 CHAIRPERSON VERBURG: Okay.

11 MR. REIFFER: The next one.

12 UNIDENTIFIED SPEAKER: That one?

13 MR. REIFFER: The other one actually. There's two shots.

14 CHAIRPERSON VERBURG: There you go.

15 MR. REIFFER: This one right there. This is gonna be the
16 same thing that the progressive care center will look like on
17 this section to be annexed. You're going to be able to look
18 outside this window. Every suite will have a view of this
19 beautiful river. Inside will be aquariums where you will
20 have--about the size of this here back wall where you'll have,
21 you know, trout, blue gills, salmon. You'll have deer. We've
22 got deer on this property. We've got wild turkey. What a way
23 to see the last of your days, huh? To reserve, you know, a
24 taste of heaven for those that have given us so much. And
25 that's--that's--that's the part that I'm passionate about.

1 I've gotten a lot of--this [unclear] I'm just--this is--this
2 is my heart right here. My parents--my grandparents are long
3 gone. This is a dream for them. So thank you.

4 CHAIRPERSON VERBURG: Thank you.

5 Charles Benham.

6 MR. BENHAM: Right here.

7 UNIDENTIFIED SPEAKER: Good reason to stay in the
8 township.

9 MR. BENHAM: My name is Charles Benham. I live at
10 625 West Main. I'm part of AR-01. And we have opposed this.
11 And I'm going to give you some history.

12 CHAIRPERSON VERBURG: AR-01 is--what is that?

13 MR. BENHAM: Main Street, 06-AR-1. The petition.

14 CHAIRPERSON VERBURG: Oh, I'm sorry. I've got you. I'm
15 sorry.

16 MR. BENHAM: I'm gonna give you a little history of how
17 we got here. First of all, when this started, the developer
18 had purchased 138 acres landlocked. No access, except for a
19 little easement. So usually an annexation works between the
20 owners, the township and the city. And he wanted services,
21 and the city would not provide them to him unless this was
22 annexed.

23 So I called--got an attorney, Mr. Fahey [phonetic]. He
24 told us to referendum, so we did that. There were about 40
25 pieces of property on this. We submitted the referendum and

1 got an election. We won our election by 82 percent. Okay.
2 That was the 20 percent. The next time we tried it, it was
3 the 50 percent of the property owners. So we called the
4 attorney again, got a hold of Mr. Fahey. Seven referendums.
5 They divided this up into seven referendums. So we found a
6 way again. I took him to the township meeting to submit them
7 and they terminated the agreement because we found a way to
8 referendum.

9 So now here we are in direct annexation. I do have city
10 water. They do go outside the city limits, like counsel said.
11 We all have city water. I just put it in three years ago.
12 There are many ways to supply that developer the utilities
13 they want without annexation. Sell their services. What's
14 wrong with that? Nothing. I have another map here that shows
15 the first piece of the property, which--let me get that for a
16 second.

17 I'll use this. This is the first section here that he's
18 talking about. This is the sewer. And right here is the city
19 where they could access. And I don't know why they want me--
20 or any of that property. The second part that you're talking
21 about, us, is a dead-end street. It was disconnected from the
22 city in '42.

23 So in our third attempt they come to an agreement to
24 annex this part, this, this and this. So since that went
25 through in the second referendum, the developer has to come in

1 and purchase part of this and run it into the city. But
2 again, they have access here. And their plans for the road,
3 right here, is access in and out. They go down to that whole
4 thing. And I don't even know, has that been purchased yet?

5 UNIDENTIFIED SPEAKER: Yes--I don't know.

6 UNIDENTIFIED SPEAKER: It's pending.

7 CHAIRPERSON VERBURG: Keep your remarks--keep your
8 remarks to the Commission.

9 MR. BENHAM: Okay. I think it's still pending. The
10 first check bounced. Okay. So there's absolutely--

11 CHAIRPERSON VERBURG: Okay. Before you put that away,
12 will you point out to us roughly where is the area proposed
13 for annexation now?

14 MR. BENHAM: Not here. Right here in the orange. That's
15 my partition.

16 CHAIRPERSON VERBURG: Okay.

17 MR. BENHAM: This is a dead-end street. And this is the
18 other property they're trying to--to purchase, but they
19 haven't. So the--I don't know what they're going to do with
20 the river. I don't even know if they can get down there for
21 the water. This is, like I say, 65 years--the three of us all
22 volunteered to get the dead-end street [unclear] services and
23 stuff. The intersection, they currently--they plow and close
24 one lane on us. They fired police. We have all that.

25 UNIDENTIFIED SPEAKER: Can you point to where your house

1 would be on Main Street, sir?

2 MR. REIFFER: Right here.

3 UNIDENTIFIED SPEAKER: Okay. You're right up toward 37
4 then or are you about half-way down?

5 MR. REIFFER: This is right here, yes.

6 UNIDENTIFIED SPEAKER: Okay.

7 MR. REIFFER: It's on a hill and a curve. And the DOT,
8 as far as I understand, said it couldn't handle that much more
9 traffic. I also wanted to talk about is Mr. Suchy was talking
10 about another 425 [inaudible--shuffling papers] right across
11 from there. Here's the petition. All this in the area, it's
12 going back to the township and the city right now. So if all
13 these people did was sign a letter to go and they're gonna--I
14 don't know if they agreed yet or not--

15 UNIDENTIFIED SPEAKER: Excuse me?

16 MR. REIFFER: It was presented at the township. It's
17 not--

18 CHAIRPERSON VERBURG: We'll get back to that.

19 MR. REIFFER: Well, I have that. It was presented to the
20 township. And this part was part of our second referendum
21 that they terminated. So all I'm gonna say is I'm doing what
22 the people have chosen. And they have said no. There are
23 other ways to do this. I've gained nothing. My millage is
24 about 4.5 right now. If I got into the city, it's 18.1.
25 Fifty-one percent increase in my taxes. The city offered us a

1 five-year deal for taxes, seven on the sewer. At the most,
2 425s here at 15, 20, 25 years. And I don't know how long this
3 project is supposed to take, but I think there's a lot more to
4 work with.

5 CHAIRPERSON VERBURG: All right. Thank you, Mr. Benham.
6 Call next on Wayne Bumstead.

7 MR. BUMSTEAD: I'm gonna decline that right now.

8 CHAIRPERSON VERBURG: Okay. Then Scott Faulkner.

9 MR. FAULKNER: Thank you, Mr. Chairman. I am Scott
10 Faulkner. My wife and I own two businesses in downtown
11 Newaygo. A couple of points. First of all, I'm glad our last
12 speaker brought up the notion that there's a tax issue
13 involved. It's the 600-pound gorilla that no one wants to
14 talk about. Obviously those that have properties that are in
15 islands right now are going to be affected by the higher tax
16 rate. That's just the--the present reality that they have to
17 deal with. But the sweeter the deal remains for them, the
18 raw--the rawer the deal becomes for those of us that live in
19 the city and pay those taxes now.

20 And the islands of property are simply unfair to other
21 businesses that pay their fair share and support the services
22 that they enjoy. So it's our--our understanding, particularly
23 part of the principal shopping district downtown, we are very
24 much in favor, particularly of the economic development of the
25 parcel, of the Riverbank project, and to drive more jobs into

1 the city so that we can continue on our improvements that we
2 began three or four years ago. So I just wanted to voice
3 our--our support of the annexation as it's proposed. Thank
4 you.

5 CHAIRPERSON VERBURG: Thank you, Mr. Faulkner.

6 Next I'll call on Andy. Is it Andy?

7 MR. LOFGREN: It is.

8 CHAIRPERSON VERBURG: Andy Lofgren?

9 MR. LOFGREN: Lofgren, yes.

10 CHAIRPERSON VERBURG: Well, you write better than I
11 thought you did.

12 MR. LOFGREN: Lucky for you. Thank you for the
13 opportunity to speak here today. I wanna talk just a little
14 bit. My name is Andy Lofgren. I'm the--I'm the executive
15 director of the Newaygo County Economic Development Office.
16 And I'm pleased to be here to talk about the--particularly
17 about the economic impact of the development in question here.

18 As you know, statewide manufacturing has been a difficult
19 time through the state of Michigan. And economic development
20 offices like ours in communities like the City of Newaygo and
21 all communities in our--in our great county are looking for
22 ways to diversify our economic base. And one of the others
23 that we look at is particularly the natural resources that
24 this community is blessed with as a way to capitalize on those
25 opportunities here.

1 So we're looking at ways diversify into tourism to really
2 bring more additional people into our community to really--
3 really come here to visit, but also ways to come in and invest
4 here. If you're looking for good news in the state of
5 Michigan, I suggest you look no further than the city of
6 Newaygo. I think it's--if--if there's a true success story in
7 the state, it's--it's right here. You're looking at it here.
8 They've done exactly what--as--as the mayor pointed out, laid
9 out in the governor's plans and the previous administration.
10 What they wanna see happen in Michigan is to have smart growth
11 and bring people back into the communities and to do it in a
12 planned and reasonable way to allow for additional growth to
13 happen in our communities.

14 As I said, tourism is a very important industry for us
15 here in Newaygo County. It's an industry that we also think
16 has a great deal of potential to be even stronger. Like I
17 said, there's two benefits to tourism. Number 1 is the direct
18 benefit that brings people into your community and they spend
19 money here in our community. And that's a great benefit to
20 us. And tourism is--is one other economic industry.

21 But the other one is the interact benefit that happens
22 when you bring people to your community and they see--they see
23 the wonderful people that are here, they see the wonderful
24 assets that are here in our community. It's our best
25 brochure. If I can get people to come here and spend the

1 night here, the odds of them coming here and investing here
2 are greatly increased. And I think Michigan needs more of
3 that. And I know that our community needs more of that.

4 We are trying to--this project that you're looking at
5 here truly is a unique project. It's one of a kind, not only
6 just for this county, but really for the state of Michigan.
7 And we're absolutely thrilled that because of the city's past
8 success, that this kind of opportunity can come here to
9 Newaygo now and continue to expand on opportunities that bring
10 people to our community. And it greatly benefits not only the
11 job, the economic base. I think we're talking at least a
12 minimum of 80 jobs. With the lodging, I'm sure it's much
13 greater than that. But the interact benefit will be--it will
14 be great as well.

15 Now, the reality is that developments like this kind of
16 development needs utilities. And they need the kinds of
17 infrastructure that, frankly, only cities can provide. And
18 along those lines, you know, one of the things that we also do
19 as an economic development office is work closely with our
20 communities on ways that we can continue to improve their
21 infrastructure. And the mayor touched on some of the things
22 that have been done downtown. But we're also actively working
23 right now with several federal and state agencies to improve
24 the infrastructure in the city of Newaygo to allow for--to
25 accommodate for the kinds of development opportunities that

1 are coming, like this one that you're looking at up on the
2 wall right now. So we're looking at several angles. We're
3 working--we're working with the Department of Economic
4 Development Administration, a federal organization, we're
5 working with--the Michigan Economic Development Corporation is
6 interested in supporting this project. We've applied for
7 money from the Michigan Department of Natural Resources for
8 that great trail that you saw that's gonna provide universal
9 accessibility for all of our--all of our residents and
10 visitors. And we're also working with the foundation--through
11 the Kellogg foundation, an opportunity to provide some funding
12 for that trail. It's really gonna be a great opportunity for
13 this community.

14 The mayor kinda touched on one of the notes I made here
15 before. I truly believe that communities have a once in a
16 lifetime--a once-in-a-generation opportunity to re--to
17 recreate themselves. He said reinvent themselves. And I
18 think you're looking at this opportunity. Not just for the
19 benefit of the City of Newaygo, but for our entire community.
20 And frankly, the state of Michigan could use a little good
21 news and could use the support people like this are willing to
22 invest with our resources in our community to move our--our--
23 our community forward. Thank you.

24 CHAIRPERSON VERBURG: Thank you, Mr. Lofgren.

25 Next we'll call on Libby Cherin.

1 MS. CHERIN: Thank you, Mr. Chairman. I am Libby Cherin.
2 I am the president and CEO of Fremont Area Community
3 Foundation. We are a philanthropic grant-making organization
4 that serves the entire County of Newaygo mainly through our
5 grant-making program. And we're here to improve the quality
6 of life in the County of Newaygo. And one of our--our areas
7 of interest is economic development. We have worked with
8 several cities, we have worked with many townships. And we
9 really appreciate the opportunity to work with municipalities
10 to bring forward this agenda.

11 And we wanna tell you how pleased we have been to work
12 with the City of Newaygo over the past several years on some
13 very exciting projects that we have provided a bit of grant
14 money for and they have provided the leadership and the
15 expertise and the talent. And we want you to know that the
16 city is just terrific in their ability to craft a vision and
17 move that forward, implement wonderful projects and provide
18 impeccable accountability to an organization like ours. In
19 other words, the expertise is there. They follow through.
20 They do get things done.

21 We wanted to also put forth a couple of examples of
22 projects on which we have worked with on the City of Newaygo.
23 Among other municipalities, including the three surrounding
24 townships, Garfield being one of them, one is called the
25 Partnerships for Change that resulted in the Newaygo Community

1 Recreation Authority, which is integrally involved in this
2 Newaygo Riverbank project, as you well know. It is a
3 wonderful organization that will be able to forward
4 recreational projects for many, many years to come. We have
5 been pleased to work with Newaygo in their downtown
6 revitalization program and public art kinds of programs, as
7 well as the clock that is downtown.

8 And now looking forward, our board has now committed
9 \$200,000.00 for enhancement of the trail that you've heard
10 about before. We are very excited about having a piece of
11 that and working again with the city. And just today we are
12 very pleased to be supporting a grant to the Access to
13 Recreation project. You've heard about this. It would
14 provide what is called universal access to the trail along
15 with the river. Again, connecting the Riverbank project to
16 the already existing park that is there.

17 So in closing, I would like to say we would like to offer
18 these comments in support of annexation so that we can move
19 forward with these very exciting projects that will enhance
20 quality of life here, not only for the residents, but our
21 visitors as well. Thank you.

22 CHAIRPERSON VERBURG: Thank you, Ms. Cherin.

23 Now is there anyone to address the Commission at this
24 point? And your name, sir, is?

25 MR. BEERMAN: My name is Ken Beerman.

1 CHAIRPERSON VERBURG: Say it again.

2 MR. BEERMAN: Kenneth Beerman.

3 CHAIRPERSON VERBURG: Kenneth Beerman. Got it.

4 MR. BEERMAN: Two E's, Beerman.

5 CHAIRPERSON VERBURG: I can spell the first name okay.
6 All right.

7 MR. BEERMAN: I own a home both inside the city of
8 Newaygo and a home in Garfield Township. But more
9 importantly, I'm a local business man. I'm a licensed
10 mechanical contractor. And I'd just like to state about the
11 impact of this project. I've seen many developments come into
12 this area. And I haven't seen local contractors working on
13 'em. This project, I can tell you, I don't think there's a
14 general contractor in the area big enough to handle this
15 contract. So they'll go outside the town to get a general
16 contractor, who in turn will bring out-of-town subcontractors.
17 So the millions of dollars immediately invested into this
18 project over the next several years, every dime of it is going
19 out of this town. What we're left with are the \$7.00-an-hour
20 jobs to go in and clean the rooms and mow the lawns and stuff.
21 I don't see where that's a huge impact on this town. Thank
22 you.

23 CHAIRPERSON VERBURG: Thank you.

24 Anyone else?

25 [No Verbal Response]

1 CHAIRPERSON VERBURG: Then we'll turn back to your
2 comments, Mr. Mayor, on your response to Mr. Benham's
3 comments. Did you wanna--

4 MR. ARMSTRONG: Rich, I'm gonna defer to you on that one.

5 MR. BLACHFORD: Charlie was thinking--we have different
6 annexations with the Garfield Township. We've been working
7 back and forth for about three years collectively. The last
8 one that he was talking about I have not heard of. The piece
9 that he held up, that land, what we did was we were going to
10 do a property swap because up on the hill--why don't you go
11 back to--yeah, right here. This property in here, right here,
12 is basically all farm land up in here. And what we did is we
13 took some land--

14 [CD 1 Ends]

15 [CD 2 Begins]

16 MR. BLACHFORD: --and was going to do a property swap.
17 And that was turned down. The board agreed to it--our boards
18 agreed to it. And that was going--that had went for
19 referendum. We also got two islands that have been--

20 CHAIRPERSON VERBURG: The referendum is in the township
21 or the city--

22 MR. BLACHFORD: The referendum, yes, was in the
23 ownership, had nothing to do with the city.

24 CHAIRPERSON VERBURG: Okay.

25 MR. BLACHFORD: Okay. The two--this is the--the two

1 islands. This is what we're talking about that is surrounded
2 by the city. It's got a 425 here. You folks addressed it.
3 There was a technicality on a--on a road--on M-37.

4 CHAIRPERSON VERBURG: Yes.

5 MR. BLACHFORD: And we're going to be coming back on that
6 at a later date. But this is the other island. When Pat
7 Hedlund talked and spoke, that's what he was talking about.
8 For example, as you come up M-37, it's Mason Drive--excuse me,
9 it's Adams. When you get to the township, it's Mason. We get
10 calls to the B and F. The--we don't know for sure if the--911
11 don't know who to send, whether they send a sheriff or our
12 police department. So it does create problems when you have
13 these certain islands. All this area is a very vital part.
14 This is our whole business community right here. It's a very
15 vital part of our entire city.

16 UNIDENTIFIED SPEAKER: Mr. Chairman, right where
17 this--just to the west of the detention base, wherever that
18 is, is there another island?

19 MR. BLACHFORD: Where; here?

20 UNIDENTIFIED SPEAKER: There's an island there as well.

21 MR. BLACHFORD: Here?

22 UNIDENTIFIED SPEAKER: Just north of that. And west of
23 the basin.

24 MR. BLACHFORD: Here?

25 UNIDENTIFIED SPEAKER: Are you talking up in this area

1 somewhere?

2 UNIDENTIFIED SPEAKER: Yeah, it's--

3 MR. BLACHFORD: This was the first piece here.

4 UNIDENTIFIED SPEAKER: And I have--we're showing it as
5 Clair Township area. It appears to--right by the neck.

6 CHAIRPERSON VERBURG: A couple of little parcels in
7 there.

8 MR. BLACHFORD: That's the sewer plant.

9 UNIDENTIFIED SPEAKER: And that's not--

10 MR. BLACHFORD: That's what it was. This was--what we
11 did when we built the sewer plant, 1960 to 1969, we annexed
12 this piece right in here. And the city failed to annex one-
13 fourth of our sewer plant. And so until we brought all this
14 in on a P-425, one-fourth of our sewer plant was always in the
15 township. When the annexation was done, and the P-425 on this
16 piece of property in '69--or excuse me, '89, it was never done
17 properly. So one-fourth of our sewer plant was always in the
18 ownership until about eight months ago when we took the P-425
19 and brought in those 228 acres.

20 CHAIRPERSON VERBURG: And is that--

21 MR. BLACHFORD: That's what you're looking at.

22 CHAIRPERSON VERBURG: Is that a permanent annexation?

23 MR. BLACHFORD: Yes, it is.

24 CHAIRPERSON VERBURG: So at--

25 MR. BLACHFORD: Well, yes, it's a permanent. At the end

1 of 25 years it's permanent.

2 CHAIRPERSON VERBURG: Okay. All right.

3 MR. BLACHFORD: Yes, it is.

4 CHAIRPERSON VERBURG: Okay. Now I would--the next, yes,
5 Mr.--

6 [Talking Over]

7 CHAIRPERSON VERBURG: You may comment if you'd like, yes.

8 MR. BENHAM: Thank you. What he's talking about, and I
9 have the agreements here with the signatures of the people.
10 All this property goes right up to here.

11 CHAIRPERSON VERBURG: Pardon me?

12 MR. BENHAM: All that property you're talking about in
13 425 is right in here.

14 CHAIRPERSON VERBURG: The property exchange?

15 MR. BENHAM: Yes.

16 CHAIRPERSON VERBURG: Yeah. Yes. Thank you.

17 Yes, Mr. Suchy.

18 MR. SUCHY: That paper was presented to me and I
19 presented it to the board. It is a request for them property
20 owners to be annexed back into the township. There's nothing
21 cut in stone. It's just a request. We have not had a sit-
22 down meeting yet on it.

23 CHAIRPERSON VERBURG: I see.

24 MR. SUCHY: So it is not--

25 [Talking Over]

1 CHAIRPERSON VERBURG: Mr. Benham, speak to the chair, if
2 you would.

3 MR. SUCHY: It has not--nothing has been--

4 CHAIRPERSON VERBURG: Okay. That's not--that's not at
5 issue--

6 MR. SUCHY: Not an issue, no.

7 CHAIRPERSON VERBURG: That's not an issue here, nothing
8 we can do about that at the moment anyway. And with that item
9 thing, if that's covered by 425, we needn't be concerned about
10 that.

11 MR. BLACHFORD: Which one?

12 CHAIRPERSON VERBURG: The one by the sewer plant, yeah.

13 MR. BLACHFORD: Yeah, that was--yeah, that--there's
14 nothing--that has all been annexed in now.

15 CHAIRPERSON VERBURG: Yeah, the other one you can--you
16 can come back to it, address the Commission--

17 MR. BLACHFORD: Exactly.

18 CHAIRPERSON VERBURG: --at some point if you'd like,
19 yeah.

20 Now I'd like to go to the next phase of our public
21 hearing and call on the commissioners and ask if they have any
22 questions. And Commissioner Arch, you have--

23 UNIDENTIFIED SPEAKER: Ochs.

24 CHAIRPERSON VERBURG: Ochs, I'm sorry. Yes.

25 UNIDENTIFIED SPEAKER: Thank you.

1 CHAIRPERSON VERBURG: Would you have any--

2 LOCAL COM. OCHS: I have a question to either the
3 township, city or Mr. Benham. You mentioned that this area
4 was disconnected from the city in 1942. I'd like to hear a
5 little bit more of the hows and the whys if anybody knows.

6 MR. BENHAM: Circuit court.

7 LOCAL COM. OCHS: In their infinite wisdom in 1942 they
8 disconnected from the city?

9 MR. BENHAM: 83.55 acres.

10 LOCAL COM. OCHS: Okay. I just wanted to know that once
11 upon a time it was in the city?

12 MR. BENHAM: Correct.

13 LOCAL COM. OCHS: Okay.

14 MR. BLACHFORD: And we have never--we were never able to
15 find that, but we know that it was detached at some time. We
16 thought it was at some time when the city became a city. So I
17 would not doubt that that's probably--

18 LOCAL COM. OCHS: But you found it.

19 MR. BENHAM: Yeah, it was in my--

20 LOCAL COM. OCHS: Okay. Thank you. I just, for the
21 record, wanted to know it was there once upon a time.

22 CHAIRPERSON VERBURG: Any other questions, Mr. Ochs?

23 LOCAL COM. OCHS: Not from me.

24 LOCAL COM. KEMPERMAN: With this annexation, can we give
25 them anything other than higher taxes?

1 CHAIRPERSON VERBURG: You're addressing the--who are you
2 addressing that question to?

3 LOCAL COM. KEMPERMAN: Probably the city.

4 CHAIRPERSON VERBURG: Okay. Don't--don't address it to
5 the chair.

6 LOCAL COM. KEMPERMAN: Oh, you won't promise them
7 anything.

8 MR. BLACHFORD: Your question was can we give them
9 anything other than higher taxes? With this development we
10 hope to lower--

11 [Talking Over]

12 MR. BLACHFORD: --one of the benefits. Go back to the
13 sewer map. Right here. Our water stops right here. Mr.
14 Benham said he hooked on three years ago. We have no idea how
15 the line was ran from this fire hydrant on into these three
16 homes. But that was done about 25 years ago to the last
17 house. We do not retain that. Okay. Now, I was unaware a
18 [unclear] was done, that that was done. We have never allowed
19 anybody and we never supplied services, but we will supply the
20 services to this entire--we have also supplied police
21 coverage. The other thing is roads.

22 Right now, for example, there is no way that Garfield
23 Township has a road commission or can pay for the plowing or
24 any upkeep on roads. We have another area of town that is
25 next to the city that's in Garfield Township that the county

1 won't even go in through that they're trying to get us to come
2 in and help to--to do road service. We've got a complete
3 street department, road department, police department. We
4 feel we give excellent services as a city to all of our
5 residents. And as a group, I think one of our businessmen
6 said, we're in this together, we've gotta bring out taxes down
7 collectively. And that's where we're headed with this with
8 the new development.

9 CHAIRPERSON VERBURG: Mr. Priebe, any questions?

10 STATE COM. PRIEBE: More housekeeping than anything. We
11 have before us--all of us up here do--Act 191 questionnaires.
12 And on them we're showing that the acreage of the site is 75.9
13 and 88. And then we just heard 83.55. How many acres is this
14 site?

15 MR. BLACHFORD: At first I think the area--the area of
16 the property is 77.2. And then there's three lots, plus one
17 of them is a pretty good size lot. So I wouldn't doubt the
18 total package would be right about 80--what did Mr. Benham
19 say; 88?

20 UNIDENTIFIED SPEAKER: Eighty-three.

21 STATE COM. PRIEBE: Eighty-three?

22 MR. BENHAM: Just a second. I'll tell you. It's in
23 here, 83.55.

24 MR. BLACHFORD: I--I would not doubt that that is
25 correct.

1 STATE COM. PRIEBE: Assuming that meets part of the test,
2 we have to have--you know, of a legal nature, I have to tell
3 you, first of all, from what I'm seeing, great job, City. And
4 Mr. Dutch, is it?

5 MR. SUCHY: Suchy.

6 STATE COM. PRIEBE: Suchy. I'm sorry. I appreciate the
7 fact that as a township guy you're kinda sticking your neck
8 out to do what is, from my point of view, appears to be the
9 right thing for the community. And the community isn't
10 necessarily the township or the city, but the general
11 community. The fact that the two of you are working together,
12 coming from the Detroit area, right on, guys.

13 CHAIRPERSON VERBURG: Any other questions--Commissioners,
14 any other questions?

15 LOCAL COM. OCHS: How many property owners are affected--
16 or own in this area? Is it what I'm seeing here; six,
17 including the railroad?

18 MR. BLACHFORD: Besides the Puff property, there are
19 three other property owners.

20 LOCAL COM. OCHS: Okay.

21 MR. BLACHFORD: And then the railroad has a small piece.

22 LOCAL COM. OCHS: This map shows that there's six owners.
23 That's--yeah.

24 MR. BLACHFORD: I believe there's three besides the Puff,
25 five with the railroad.

1 UNIDENTIFIED SPEAKER: Well, there's one piece that
2 actually belongs to somebody in the city--

3 MR. BLACHFORD: Oh, correct.

4 UNIDENTIFIED SPEAKER: Yeah, the one--the lot that is
5 split--

6 LOCAL COM. OCHS: Okay.

7 MR. BLACHFORD: [talking over] split lot. Excuse me.
8 That is the sixth one.

9 CHAIRPERSON VERBURG: That is part in the city and part
10 in the township?

11 UNIDENTIFIED SPEAKER: Yes, that one lot is--was--when it
12 was split up, half of the lot--it was split triangularly, and
13 one part was left in the city and the other part was left in
14 the township.

15 CHAIRPERSON VERBURG: Okay.

16 UNIDENTIFIED SPEAKER: And basically that lot--that plot,
17 that was the end of the plot of the city's when that was
18 split.

19 CHAIRPERSON VERBURG: Now, Mr. Benham, are you suggesting
20 that it was something other than six?

21 MR. BENHAM: Right. When this first started, there was
22 34.

23 CHAIRPERSON VERBURG: Thirty-four.

24 MR. BENHAM: Thirty-four lot numbers here.

25 CHAIRPERSON VERBURG: Oh, lot numbers.

1 MR. BENHAM: Yes. And there was one, two, three, four,
2 five, six--I wanna say plus the other area, there was probably
3 almost 20.

4 CHAIRPERSON VERBURG: Plus what other area?

5 MR. BENHAM: The--when they did the first one they
6 included--

7 MR. BLACHFORD: The rest of that's been--

8 MR. BENHAM: [talking over] and that's where all this
9 stuff comes from, because there was properties down there.

10 MR. ARMSTRONG: On the same housecleaning issues that you
11 were talking about, we attempted with the 425 to bring all
12 these islands and all this space in at the same time under an
13 agreement to avoid the annexation issues. And that ended up
14 with the property owners going to a referendum and was voted
15 on by Garfield Township and was--and was defeated. Therefore,
16 we had to go back and handle each area separately. He's
17 talking about the initial plan for the 425, which included all
18 those property owners and islands that existed. The part
19 we're referring to now is the correct amount of six. And in
20 addition to that, the 425 that you saw, the south, was also
21 part of that, which is now part of the city under a 425. So
22 it's going back in history, talking about our attempts to do
23 it all--

24 CHAIRPERSON VERBURG: So we're looking at--we're looking
25 at the parcel in question.

1 MR. BENHAM: Okay. I would--

2 CHAIRPERSON VERBURG: And that's all--that's all we can
3 do. And do you agree that that's six--

4 MR. ARMSTRONG: Yeah, I think there's four--four parcels
5 now.

6 CHAIRPERSON VERBURG: Four parcels. Okay.

7 MR. ARMSTRONG: And the railroad would be five.

8 CHAIRPERSON VERBURG: Now is there anyone else who is a
9 member--who is an owner of one of those parcels that wants to
10 address the Commission?

11 MS. WEBBER: Yes.

12 CHAIRPERSON VERBURG: Okay. And you're a resident of one
13 of those parcels, is that right?

14 MS. WEBBER: Yes.

15 CHAIRPERSON VERBURG: Okay.

16 MR. ARMSTRONG: The only other thing I'd like to mention
17 when you talked, again, about housekeeping, and I live on the
18 river is--and I think Norm actually could answer this a little
19 bit. And the only reason I say that is it--a lot of those
20 times those acreages are estimated. And the reason is, is
21 that their--their distance to the river with changing banks
22 and so on over history doesn't allow a lot of time for pins to
23 be at the river. If you go to the river's edge, it changes
24 those. So you often estimate that I own 12 acres, when in
25 essence, by error I might own 15. It's--it's really difficult

1 to tell. So because that's a river piece, I think that's
2 where the discrepancies--and if it's 77 or 74 and a half, I
3 don't know whether or not all of those have been surveyed from
4 the river's edge throughout or not.

5 CHAIRPERSON VERBURG: Okay.

6 UNIDENTIFIED SPEAKER: That's true, what you just said.
7 And it does change because like in '86, a lot of the parts of
8 the river change immensely and either gained or loss,
9 depending on what side of the river you were on.

10 CHAIRPERSON VERBURG: I should point out our state
11 surveyor, in a situation that we encountered last week,
12 reminded the surveyor describing the petition that we should
13 include the bottomlands in the survey. And typically the
14 bottomlands run through the center of the water. And then
15 from the other side that way so that we, in fact, get that
16 acreage. But we're not--we're not disputing in any way the
17 description of this property at that point. And so that
18 acreage don't matter a whole lot.

19 Any other questions? Any other comments?

20 LOCAL COM. OCHS: The only other question I might have is
21 out of the four parcels involved, besides Mr. Benham, is
22 anybody else opposed to annexation?

23 MR. BENHAM: Yes. I have a new neighbor that was--the
24 house was empty a year and a half while this was going on.
25 The new neighbors have been there less than a year.

1 They--they don't even know what's going on. The neighbors to
2 the west of me have been there for better than 40 years. I've
3 been there 22. The other neighbors have a little sliver
4 there. The folks--well, Doug Day's property, they've only
5 been there a couple years. I've been down here--he's been
6 down talking to me about it. And I thought maybe she would
7 come today. She's on the planning commission for the city
8 [unclear] 77. She was in favor of not going into the city,
9 but she had been approached with big money and she's sitting
10 on it. And I guess that's basically pending. But in the
11 beginning she did not want to be in the city.

12 LOCAL COM. OCHS: All right. Thank you.

13 CHAIRPERSON VERBURG: Yes, ma'am.

14 MS. WEBBER: I'm Dorothy Webber.

15 CHAIRPERSON VERBURG: Your name is?

16 MS. WEBBER: Dorothy Webber.

17 CHAIRPERSON VERBURG: Dorothy Webber.

18 MS. WEBBER: And I own property in the city. I don't
19 live in the city. But my question is, with all homes--and I
20 need to know this--

21 CHAIRPERSON VERBURG: Address your remarks to the
22 Commission, please.

23 MS. WEBBER: I need to know how many homes are for sale
24 in the city and presently. And with all the homes that are
25 for sale in the city presently, why would the city bring more

1 homes when they can't--when people have homes up for sale for
2 two or three years and can't sell them because nobody wants to
3 leave--live in the city of Newaygo because of the high tax
4 base and because of all the problems that we have in the city?
5 And we don't live in the city. And if you don't live in the
6 city, you don't know the problems that the city people have.
7 And--and why would you bring more homes in when you can't even
8 sell the homes that are there?

9 CHAIRPERSON VERBURG: Okay. Thank you.

10 I'd like to thank all of you for attending this--this
11 public hearing and for your--your comments. And as I
12 indicated, there's a--there will be a 30-day period during
13 which time you can write the Commission. And it's--again,
14 it's on that orange sheet, the directions. And you or others
15 who were not here that wish to make some remarks to the
16 Commission can write us a letter. The commissioners will all
17 get a copy of that and read that, so it will be part of the
18 consideration.

19 And then as we indicated, that 30-day material will go
20 out and there will be opportunity for people who asked to have
21 that 30-day material sent to them, they can comment on that
22 material if they'd like. And probably in August or
23 thereabouts, the Commission will again convene. And we will
24 act on that--on that material that we--that you have had an
25 opportunity to bring to us. With that, I will declare the

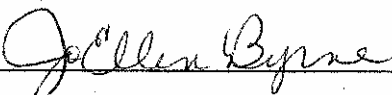
meeting adjourned. And thank you for the use of the building.

(Meeting Concluded)

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STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I HEREBY CERTIFY that this transcript, consisting of 59 pages, is a complete, true and correct transcript of the proceedings recorded on Thursday, April 26, 2007 in Newaygo, Michigan in the matter of Docket Number 06-AR-01, the Proposed Annexation of Certain Territory in Garfield Township to the City of Newaygo.



JoEllen Byrne, CER 7242

DATED: May 7, 2007